

Department of Defense
Status of Extension of Benefits to Civilian Employees'
Same-Sex Domestic Partners

Benefits currently available to Same-Sex Domestic Partners of Civilian Employees

(Further guidance or policy from DoD is not required to implement. Components must implement as of the effective dates.)

Benefit Name/Description	Governing Reference	Implementation Issues	Status and Documentation	Proponent
Insurable Interest Designation (CSRS and FERS Survivor Annuity) Enables election of a same sex domestic partner as a person having a presumed insurable interest in the continued life of the retiring employee.	5 CFR § 831.613(3)(1) and 842.605(e)(1). Current rules stay in effect. Can use 831.613(e)(2) and 842.605(e)(2) for insurable interest for a domestic partner.	DoD and Component materials will be updated to reflect this change. Component counseling must be adapted to ensure correct information is provided to retiring employees.	Effective July 20, 2012 Final Rule published in Federal Register Vol. 77, No. 140	OPM DCPAS Benefits Team 703-882-5197 DSN 372-5197 benefits@cpms.osd.mil
Evacuation Pay and Separate Maintenance Allowance at Johnston Island Provides for payments to offset certain expenses incurred because of the evacuation of an employee's dependents. Clarifies separate maintenance allowance for duty at Johnston Island for purposes of calculating the extra allowance payable under 5 U.S.C. 5942a.	5 CFR § 550.402 subpart D and 5 CFR, § 591.402 and § 591.403(a). Adds definitions for domestic partner, domestic partnership, and family member to enable extension of these benefits partners and families of employees.	No changes required to DoD instructions for implementation.	Effective August 20, 2012 Documentation or proof of a family member relationship would be based on each agency's internal policies.	OPM DCPAS Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil
Overseas Allowances and Differentials Incentives (except post allowance which is mandatory) used to recruit U.S. citizen civilian employees living in the U.S. to accept Federal employment in foreign areas. These are not automatic salary supplements	DoDI 1400.25, Vol. 1250. Implements DoD policy, delegates authority, assigns responsibilities, and authorizes the payment of allowances and differentials to DoD appropriated fund	Marketing and communication strategies are in place to provide the changes in the revised DoDI upon release. 1. Email to CPPC 2. Email to Component POCs	Effective February 23, 2012 Domestic Partner is documented and attested to by the employee on SF 1190 Foreign Allowances Application, Grant and	DCPAS Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil

nor entitlements.	<p>civilian employees who are U.S. citizens living in foreign areas.</p> <p>Living Quarters Allowance (LQA) DSSR Section 130</p> <p>Extraordinary Quarters Allowance (EQA) DSSR Section 138</p> <p>Post Allowance DSSR Section 220</p> <p>Foreign Transfer Allowance (FTA) DSSR Section 240 and JTR Ch1, C1004</p> <p>Home Service Transfer Allowance (HSTA) DSSR Section 250 and JTR Ch1, C1004</p> <p>Separate Maintenance Allowance (SMA) DSSR Section 260</p> <p>Education Travel (EDT) DSSR Section 280 and JTR Ch 5 and 6</p> <p>Education Travel Allowance (EDA) DSSR Section 270 and JTR 5 and 6</p>	<p>3. CPMS website Hot Topics</p> <p>4. <i>CPMS Express</i></p>	Report.	
<p>Priority Placement Programs (PPP)</p> <p>Provides expanded placement opportunities to spouses of certain relocating employees/military members.</p>	<p>DoDI 1400.20, DoDI 1400.25 Vol. 1800 and PPP Operations Manual. The Priority Placement Programs A, F, M, and N, are based</p>	<p>PPP procedures linked to the JTR definition of domestic partner and stipulate that the partner must be eligible to travel on their sponsor's orders</p>	<p>Effective January 6, 2012</p> <p>The employees' partner must be authorized to travel on the sponsor's</p>	<p>DCPAS Staffing & Civilian Transition Programs</p> <p>care_info@cpms.osd.mil</p>

PPP procedures exist for the Department as a whole; some DoD Components also have unique PPP programs for their specific populations.	<p>on policy and only require a DoD definition for same-sex domestic partners.</p> <p>Program S, applies to qualified spouses of members of the armed forces contingent upon eligibility for non-competitive appointments is covered under title 10 USC, Section 1784, Employment Opportunities for Military Spouses and EO 12721, "Eligibility of Overseas Employees for Noncompetitive Appointment," July 30, 1990.</p>	<p>to obtain PPP eligibility.</p> <p>Component HROs and PPP Coordinators will be notified via e-mail of PPP manual update of inclusion of SSDPs. Information will also be posted in the DCPAS website.</p> <p>Program S, cannot be extended to same-sex domestic partners until the Defense of Marriage Act is repealed or specific changes are made to title 10 USC, § 1784 to enable inclusion.</p>	orders to qualify for PPP registration as is required for other family members reflected as dependents.	
<p>Employment of Family Members in Foreign Areas</p> <p>Extends family member employment preference to same-sex domestic partners of civilian employees and their children.</p>	DoDI 1400.25, Vol. 1232 establishes policy, assigns responsibilities, and provides procedures to improve employment opportunities for family members of military members and civilian employees stationed in foreign areas.	Volume 1232 will be revised to extend family member employment preference to the same-sex domestic partners of military members following other policy revisions by the Joint Benefits Review Team to extend benefits to same-sex domestic partners of Service members.	Effective 5 January 2012	DCPAS Staffing & Civilian Transition Programs staffing@cpms.osd.mil 703-882-5196 DSN 372-5196
Law Enforcement/Investigative Employee CTD	JTR C7305 and C7330-E	PDTATAC Memorandum January 3, 2012 provided	Effective December 28, 2011	Component PDTATAC members

Authorization of travel and certain subsistence expenses when a law enforcement/investigative employee and/or immediate family is required to relocate when their lives are placed in jeopardy as a result of the employee's assigned duties.		JTR revision information adding "domestic partner" to definition of "Extended Family".		DCPAS Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil
Emergency Travel and Transportation of Employee due to Illness or Injury or a Personal Emergency Situation while TDY Component may include members of an employee's extended family and family of employee's spouse/domestic partner for compassionate reasons, and when warranted by circumstances of an emergency situation.	JTR C7365-D2	PDTATAC Memorandum January 3, 2012 provided JTR revision information adding "domestic partner" to definition of "Extended Family".	Effective December 28, 2011	Component PDTATAC members DCPAS Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil
Relocation, Travel and Transportation Expenses Joint Travel Regulation (JTR) revised to enable payment of certain allowances and expenses to same-sex domestic partners of employees by adding terms and definitions, based on published OPM guidance of June 2, 2010, for "Domestic Partner." The JTR change included a revised definition of "Immediate Family" to include "domestic partner" and children, dependent parents, and dependent brothers and	41 CFR Chapters 300-304 Definition - §300-3.1 Emergency Travel - §300.30.2 Threatened Law Enforcement/ Investigative Employees - §301-31 Relocation Allowances - §302-3.277 Allowances for Subsistence and Transportation - §302-4.203 thru 4.205	Documentation requirements at component discretion. JTR Updates are generally proposed and coordinated through the PDTATAC. DoD and Component training and informational materials must be updated to reflect the expansion of those defined as "family	Effective (FTR) March 3, 2011 (JTR) March 3, 2011, change 546, dated 1 April 2011 (FTR) Final Rule, dated 28 September 2011	Department of State Component PDTATAC members DCPAS Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil

sisters of the domestic partner as named members of the employee's household. Due to current statutory restrictions (e.g., DOMA), the changes do not apply to house hunting trip expense reimbursement, the relocation income tax allowance, the income tax reimbursement allowance, or non-federal source travel.	Allowances for Temporary Quarters Subsistence Expenses - §302-6.100 Payment of Expenses Connected with the Death of Certain Employees - §303-70 Joint Travel Regulation (JTR) Volume 1	member" and "immediate relative," to include same sex domestic partners. DCPAS clarifying memorandum issued September 2011. Consistent implementation throughout DoD.		
Leave OPM modified definitions related to <i>family member</i> and <i>immediate relative</i> to include same-sex domestic partners for: Sick Leave Funeral Leave Voluntary Leave Transfer Voluntary Leave Bank Emergency Leave Transfer	5 CFR 630 Absence and Leave Sick Leave - §630.201 Funeral Leave – §630.803 Voluntary Leave Transfer – §630.902 Voluntary Leave Bank - §630.1002 Emergency Leave Transfer - §630.1102	Leave guidance updated to reflect the expansion of those defined as "family member" and "immediate relative," to include same-sex domestic partners. Consistent implementation throughout DoD.	Effective: July 14, 2010 Final Rule published in Federal Register Vol. 75, No. 113, June 14, 2010	OPM DCPAS Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil
Federal Long Term Care Insurance Program (FLTCIP) Expands the definition of qualified relative to include Same-Sex Domestic Partners. Requires a "Declaration of Domestic Partnership" form to be filed with the employee's agency as documentation that meets the definition of domestic partnership.	5 CFR 875.213 and Benefits Administration Letter 10-901, "Federal Long Term Care Insurance Program (FLTCIP) Qualified Relatives now include Same-Sex Domestic Partners."	Employees correctly referred to third party administrator for details regarding enrollment at www.ltcfeds.com	Effective: July 1, 2010 Final Rule published in Federal Register Vol. 75, No. 104, June 1, 2010 Provides a "Declaration of Domestic Partnership" Form for an eligible individual to file with the employee's agency.	OPM DCPAS Benefits Team 703-882-5197 DSN 372-5197 benefits@cpms.osd.mil
Leave Without Pay (LWOP) OPM extended 24-hour leave without pay (LWOP) opportunity	Presidential Memorandum – Extension of Benefits to	Leave guidance updated to reflect this extension.	Effective: June 2, 2010	OPM DCPAS

to same-sex domestic partners of Federal employees for school and early childhood educational activities, routine family medical purposes, and elderly relative care.	Same-Sex Domestic Partners of Federal Employees, June 2, 2010, Section 1(a)(vi). OPM Memorandum, CPM 2010-16, September 10, 2010.			Compensation Team 703-882-5194 DSN 372-5194 pay@cpms.osd.mil
DoD Dependent Schools Transfer Program Program assists DoD civilian teachers assigned to foreign areas in obtaining joint teaching opportunities.	Defense Department Overseas Teachers Pay and Personnel Practices Act (Pub. L. 86-91; 73 Stat 213), as amended by Pub L. 87-172 (75 Stat 408), and Pub. L. 9-391 (80 Stat 117) (20 U.S. C. 901 et seq.).	The DoDDS Teacher Transfer program was changed with the beginning of the teacher transfers for school year 09/10.	Effective Educator transfers for school year 2009/2010	DoDEA
Death Gratuity Payment Death of employee must be in connection with the employee's service with an Armed Force in a contingency operation.	5 U.S.C. 8102 \$100,000 death gratuity payable to survivors of Federal employees.	Informational materials must be updated for deploying civilians.	Employees must make designation of beneficiary on CA-40	DCPAS Injury Compensation ICUC_contact@cpms.osd.mil
<p align="center">Nonappropriated Fund (NAF) Benefits</p> <p align="center"><i>(NAF employees are Federal employees, but are excluded from most laws administered by OPM (see section 2105(c) of 5 U.S. C.). Unless specifically provided by law, NAF employment is not subject to civil service provisions, benefits, or restrictions. Rules on most functional areas of NAF personnel management are based on discretionary authority granted to the Secretary of Defense by title 10, U.S.C. 113(b) and (d)).</i></p>				
NAF Overseas Allowances and Differentials and Family Member Employment Preference in Foreign Areas Adds equivalent level overseas allowances and differentials, and family member employment preference, to the same sex domestic partner of a NAF	DoDI 1400.25, Volume 1412, "NAF Overseas Allowances and Differentials and Family Member Employment Preference in Foreign Areas" extends to NAF employees most of the provisions of Volume		Effective July 20, 2012	NAF Personnel Policy Division naf@cpms.osd.mil

employee and their children.	1250, "Overseas Allowances and Differentials." Volume 1412 also contains the same SSDP definitions as Volume 1250.			
General Inclusion of SSDPs of NAF Employees Same-sex domestic partners, and their children/dependents, of NAF employees are eligible for benefits, preferences, and allowances, wherever permitted by law, equivalent to NAF benefits, preferences, and allowances provided to NAF employees' opposite sex spouses and their children/dependents.	DoDI 1400.25, Volume 1401, "General Information Concerning NAF Personnel Policy," includes the OPM definitions of Domestic Partner and Domestic Partnership.	This over-arching policy forms the foundation for all NAF policy changes to specific benefit areas.	Effective October 18, 2011	DCPAS NAF Personnel Policy Division naf@cpms.osd.mil
Health Insurance for SSDPs and their children of NAF Employees Extends health benefits to NAF employees' same-sex domestic partners and their children at an equivalent level to that provided to opposite-sex spouses and children.	DoDI 1400.25, Vol. 1401 provides authority to extend NAF benefits, including health benefits, to SSDPs.	The NAF Health Benefits Program (HBP) covers NAF employees throughout DoD. DCPAS manages the NAF HBP and provides the Contracting Officer's Representative for the NAF contract with Aetna, the third-party administrator.	Effective January 1, 2012, family member coverage was made available for NAF employees' SSDPs and their children.	DCPAS NAF Personnel Policy Division naf@cpms.osd.mil

Benefits that may be Extended but are not yet available to Same-Sex Domestic Partners of Civilian Employees

(Revision to DoD Policy Required to Implement)

Benefit Name/Description	Governing Reference	Implementation Issues	Status and Documentation	Proponent
FEHB Program and FEDVIP Expanding Coverage of Children of Same-Sex Domestic Partners under Pre-Tax Payment of Health Benefits Premiums and coverage under the Federal Employees Dental and Vision Insurance Program.	5 CFR, Parts 890 and 892	Component materials must be updated to reflect changes from OPM upon release of final rule. Component counseling must be adapted to ensure correct information is provided to employees.	Posted in Federal Register Vol. 77 No. 140 July 1, 2010	OPM DCPAS Benefits Team 703-882-5197 DSN 372-5197 benefits@cpms.osd.mil
Eligibility for Noncompetitive Appointment Based on overseas employment.	5 CFR § 315.608 Proposed changes would ensure that an employee's same-sex domestic partner qualifies, and should be treated as, a family member for purposes of eligibility for noncompetitive appointment based on overseas employment.	No change to DoD Instructions required to implement. However, clarification may be appropriate so foreign overseas activities understand they can currently use Schedule A Family Member appointments to hire eligible SSDPs.	Posted in Federal Register, July 28, 2011. Awaiting final regulations from OPM. Documentation or proof of a family member relationship would be based on each agency's internal policies. Authority to request additional information in cases of suspected abuse or fraud. Agencies expected to apply the same standards for verification for all dependent and family member relationships.	OPM DCPAS Staffing & Civilian Transition Programs staffing@cpms.osd.mil 703-882-5196 DSN 372-5196
Drug and Alcohol Abuse Recovery Programs Proposal to grant domestic partners and children of federal employees' access to alcohol and drug abuse recovery programs.	5 CFR § 792.101. Proposed clarification that an employee's domestic partner, and any child of the employee's domestic partner, are included	Identification of Offices of Primary Responsibility in the Components and enabling guidance. Development of consistent guidelines throughout DoD	DoD Wellness Working group provided input. Response provided to OPM August 29, 2011.	OPM DoD Wellness Working Group (lead DCPAS Wellness Coordinator)

	within the employee's "family" for purposes of access to alcohol and drug abuse programs.	Component Programs. Army has Government employee EAPs, others contract out this service. Will require change to contracts.		
<p align="center">Nonappropriated Fund (NAF) Benefits</p> <p align="center"><i>(NAF employees are Federal employees, but are excluded from most laws administered by OPM (see section 2105(c) of 5 U.S. C.). Unless specifically provided by law, NAF employment is not subject to civil service provisions, benefits, or restrictions. Rules on most functional areas of NAF personnel management are based on discretionary authority granted to the Secretary of Defense by title 10, U.S.C. 113(b) and (d)).</i></p>				
Benefit Name/Description	Governing Reference	Implementation Issues	Status and Documentation	Proponent
Insurance and annuities for NAF employees – Adds equivalent level eligibility for same sex domestic partners to those health, life, long-term care insurance, and retirement benefits currently extended to opposite sex spouses and children/dependents of NAF employees, wherever permitted by law.	DoDI 1400.25, Volume 1401, "General Information Concerning NAF Personnel Policy," dated October 18, 2011, serves as the over-arching policy authorization to extend these benefits. Components manage Component-unique benefit programs, other than the DoD-wide Health Benefits Program, and are responsible for making the necessary Component policy and program changes.	DoDI 1400.25, Volume 1408, "Insurance and Annuities for NAF Employees," dated July 21, 2009, is being updated with a "Change 1" to conform to the already approved DoDI 1400.25, Volume 1401. Based on Volume 1401, components are adjusting their policies and contracts with insurers and third-party administrators for Component sponsored retirement and benefit plans.	Draft Change 1 to Volume 1408 has been issued for informal coordination. It is expected to enter formal coordination by end 2012.	DCPAS NAF Personnel Policy Division naf@cpms.osd.mil
NAF Attendance and Leave Revision to add extended OPM family friendly leave policies that now include coverage for a NAF employee's same sex	DoDI 1400.25, Volume 1406, "NAF Attendance and Leave."	Revisions are being made for consistency with OPM policy changes. Title 5 policies in the attendance and leave areas are	Currently drafting revision. Expected to be issued for internal coordination by end2012.	DCPAS NAF Personnel Policy Division

domestic partner and their children.		generally extended administratively to NAF employees. Therefore, changes applicable to civil service employees and their SSDPs are already effective for civilian NAF employees.		naf@cpms.osd.mil
NAF Employment Preferences Revision to add SSDP to civilian family member preference provisions, consistent with DoDI 1400.25, Volume 1232, "Employment of Family Members in Foreign Areas."	DoDI 1400.25, Volume 1403, "Employment." Volume 1232's extension of family member employment preferences to SSDPs of civilian employees and their children applies to NAF. Volume 1403 will conform to Volume 1232.	Volume 1232's extension of family member preference is already effective for civilian NAF employees. Family member and spousal preference cannot be extended to military members' SSDPs until military policy and/or law is changed.	Volume 1403 is expected to be in internal coordination by end2012.	DCPAS NAF Personnel Policy Division naf@cpms.osd.mil
Benefits that may be Extended but are not yet available to Same-Sex Domestic Partners of Civilian Employees (under authority of non-traditional Human Resource policy directorates) <i>(Revision to DoD Policy Required to Implement)</i>				
Benefit Name/Description	Governing Reference	Implementation Issues	Status and Documentation	POC
DoD ID Cards (OCONUS only)	DoDI 1000.13, Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals stationed OCONUS for 365 days or more.	Requires update to DoDI 1000.13 or issuance of a Directive Type Memo (DTM). The policy proponent office determined a DTM would be the most expeditious possibility.	DTM beginning pre-coordination. Will provide information that MWR, MTF, Commissary and Exchange access are available to SSDPs.	Defense Human Resources Activity (DHRA)/Defense Manpower Data Center (DMDC)
Child Development Programs (CDP) and School Age Care Programs (SAC)	DoDI 6060.02, Child Development Programs	Upon release of revised DoDI 6060.2, update information and guidance	DoDI is in coordination. Second legal review	Military Community and Family Policy Office of Children and Youth

All DoD civilian employees are eligible patrons of DoD CDPs that provide child care on DoD installations and DoD SAC programs.		to installation centers and managers.	completed. Publication of DoDI 6060.2 anticipated in FY12.	
Morale, Welfare and Recreation (MWR) MWR programs include clubs, social activities, arts and crafts centers, as well as tours and ticket discounts.	DoDI 1015.10, Military Morale, Welfare, and Recreation (MWR) Programs.	Requires amendments to the DoD Policy and MWR guidance	Also dependent upon release of ID card policy.	Military Community and Family Policy
Commissary Privileges Allow access to Commissaries to same- sex domestic partners of NAF and APF employees as they are allowed for "authorized family members."	DoDI 1330.17, Armed Services Commissary Operations, Enclosure 4, Patrons and Identification.	Definition of "authorized family members" in DoDI 1330.17 Glossary has been revised in the current draft update to recognize SSDP of DoD civilian employees.	DoDI 1330.17 currently under revision and scheduled for publication in 2012. Also dependent upon release of ID card policy.	Military Community and Family Policy, Office of Resale Activities & NAF Policy
Armed Forces Exchange Privileges Allow access to installation Base and Post Exchanges to same sex domestic partners of NAF and APF civilian employees as they are allowed for other civilian employees' family members	DoDI 1330.21, Armed Forces Exchange Regulations, paragraph E2.1.3 and PDUSD(P&R) memo of November 7, 2008.		DoDI 1330.21 is currently being revised and is scheduled for publication in 2012. Also dependent upon release of ID card policy.	Military Community and Family Policy, Office of Resale Activities and NAF Policy
Medical care at overseas Military Treatment Facilities Allow access to Medical Treatment Facilities for care as it is provided to other civilian employees' family members	DoDI 6015.23, Army Regulation 40-400, Air Force Handbook 41-114, and Navy Patient Administration Directives	Services provided would be a reimbursable expense dependent upon cost of the care as is standard for dependents of married civilian employees and provided as facilities have capacity	Military Health System will make changes to regulations to allow for care following amendment to DoDI 1000.13, Identification (ID) Cards to reflect eligibility.	TRICARE Medical Activity